

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 335 Department or Agency Environmental Management  
Rule No. 335-14-6-.15  
Rule Title: Incinerators

         New        X   Amend               Repeal               Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?          YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?          YES

Is there another, less restrictive method of regulation available that could adequately protect the public?          NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?          NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?          NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?          YES

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Does the proposed rule have an economic impact?          NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer         Mandy Elliott        

Date September 20, 2011

APA-2  
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
LAND DIVISION

**NOTICE OF INTENDED ACTION**

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. &amp; TITLE:</u>	335-14-6-.02	<u>General Facility Standards</u> (Amend)
	335-14-6-.05	<u>Manifest System, Recordkeeping and Reporting</u> (Amend)
	335-14-6-.07	<u>Closure and Post-Closure</u> (Amend)
	335-14-6-.08	<u>Financial Requirements</u> (Amend)
	335-14-6-.11	<u>Surface Impoundments</u> (Amend)
	335-14-6-.14	<u>Landfills</u> (Amend)
	335-14-6-.15	<u>Incinerators</u> (Amend)
	335-14-6-.16	<u>Thermal Treatment</u> (Amend)
	335-14-6-.23	<u>Drip Pads</u> (Amend)
	335-14-6-.31	<u>Hazardous Waste Munitions and Explosive Storage</u> (Amend)
	335-14-6-Appendix I	<u>Recordkeeping Instructions</u> (Amend)

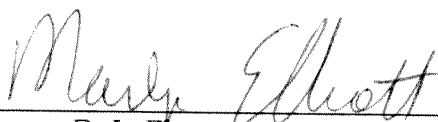
INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Monday, December 5, 2011 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, December 5, 2011 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)

  
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Lance R. LeFleur  
Director

**335-14-6-.15 Incinerators.**

(1) Applicability.

(a) The requirements of 335-14-6-.15 apply to owners or operators of hazardous waste incinerators (as defined in 335-14-1-.02), except as 335-14-6-.01(1) provides otherwise.

(b) Integration of the MACT standards.

1. Except as provided by 335-14-6-.15(1)(b)2. and (b)3., the standards of 335-14-6 no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 335-3-11-.06(56) by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under 335-3-11-.06(56) documenting compliance with the requirements of 335-3-11-.06(56).

2. The MACT standards do not replace the closure requirements of 335-14-6-.15(12) (Closure) or the applicable requirements of 335-14-6-.01 through 6-.08, 6-.28, and 6-.29.

3. 335-14-6-.15(6) generally prohibiting burning of hazardous waste during startup and shutdown remains in effect if the facility elects to comply with 335-14-8-.15(1)(b)1.(i) to minimize emissions of toxic compounds from startup and shutdown.

(c) Owners or operators of incinerators burning hazardous waste are exempt from all of the requirements of 335-14-6-.15, except 335-14-6-.15(12) (Closure), provided that the owner or operator has documented in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in 335-14-2-Appendix VIII, and such documentation is retained at the facility, if the waste to be burned is:

1. Listed as a hazardous waste in rule 335-14-2-.04 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or

2. Listed as a hazardous waste in rule 335-14-2-.04 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 335-14-2-.03(4)(a)4. and 5., and will not be burned when other hazardous wastes are present in the combustion zone; or

3. A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under rule 335-14-2-.03. or

4. A hazardous waste solely because it possesses the reactivity characteristics described 335-14-2-.03(4)(a)1., 2., 3., 6., 7. or 8., and will not be burned when other hazardous wastes are present in the combustion zone.

(2) Waste analysis.

In addition to the waste analyses required by 335-14-6-.02(4), the owner or operator must sufficiently analyze any waste which he has not previously burned in his incinerator to enable him to establish steady state (normal) operating conditions (including waste and auxiliary fuel feed and air flow) and to determine the type of pollutants which might be emitted. At a minimum, the analysis must determine:

- (a) Heating value of the waste;
- (b) Halogen content and sulfur content in the waste; and
- (c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) General operating requirements.

During start-up and shut-down of an incinerator, the owner or operator must not feed hazardous waste unless the incinerator is at steady state (normal) conditions of operation, including steady state operating temperature and air flow.

(7) [Reserved]

(8) Monitoring and inspections.

The owner or operator must conduct, as a minimum, the following monitoring and inspections when incinerating hazardous waste:

(a) Existing instruments which relate to combustion and emission control must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state combustion conditions must be made immediately either automatically or by the operator. Instruments which relate to combustion and emission control would normally include those measuring waste feed, auxiliary fuel feed, air flow, incinerator temperature, scrubber flow, scrubber pH, and relevant level controls; and

(b) The complete incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shut-down controls and system alarms must be checked to assure proper operation.

(9) [Reserved]

(10) [Reserved]

(11) [Reserved]

(12) Closure.

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including but not limited to ash, scrubber waters and scrubber sludges) from the incinerator.

(13) Interim status permitted incinerators burning particular hazardous wastes.

(a) Owners or operators of incinerators subject to 335-14-6-.15 may burn EPA Hazardous Wastes F020, F021, F022, 023, F026, or F027 if they receive a certification from the Department that they can meet the performance standards of rule 335-14-5-.15 when they burn these wastes.

(b) The following standards and procedures will be used in determining whether to certify an incinerator:

1. The owner or operator will submit an application to the Department containing applicable information in 335-14-8-.02(10) and 335-14-8-.06(2) demonstrating that the incinerator can meet the performance standards in rule 335-14-5-.15 when they burn these wastes;

2. The Department will issue a tentative decision as to whether the incinerator can meet the performance standards in rule 335-14-5-.15. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the incinerator is located. The Department will accept comment on the tentative decision for 60 days. The Department also may hold a public hearing upon request or at its discretion.

3. After the close of the public comment period, the Department will issue a decision whether or not to certify the incinerator.

**Author:** Stephen C. Maurer; Michael B. Champion; C. Edwin Johnston; Bradley N. Curvin.

**Statutory Authority:** Code of Alabama 1975, §§ 22-30-11 and 22-30-16.

**History:** July 19, 1982.

**Amended:** April 9, 1986; September 29, 1986; August 24, 1989; January 25, 1992; April 13, 2001; March 15, 2002; April 17, 2003; April 4, 2006; XXXXXXX.